

## ***NEW* – AREA PLAN – PESTICIDE DRIFT PROTOCOLS**

### **INTRODUCTION**

Senate Bill 391 ([Stats.2004, c. 913 \(S.B.391\), § 3](#)) which became law on September 30, 2004, modified the California Food & Agricultural Code, § 12997.7. This bill requires the California Environmental Protection Agency (CalEPA) to establish minimum standard protocols for responding to pesticide drift emergencies, and local governments to include these protocols in their Hazardous Materials Emergency Response Plans (Area Plans.)

A working group lead by the CalEPA was established and comprised of representatives from Certified Unified Program Agencies, County Agricultural Commissioners, Department of Pesticide Regulation and the Office of Emergency Services (OES), to establish minimum standard protocols for the purpose of amending Area Plans. A meeting was also held with representatives from public interest groups to share initial protocol language and solicit their input.

### **PROPOSED PROTOCOLS**

SB 391 required the protocols to include, but not limited to, all of the following;

1. Protocol for requesting and providing immediate access to pesticide-specific information necessary to assist emergency medical services personnel in identifying pesticides that may be causing a pesticide drift exposure incident and appropriate treatments.
2. Protocol to delineate specific agency responsibilities and the process for responding to calls, notifying residents, and coordinating evacuation, if needed.
3. Protocol to establish emergency shelter procedures and locations to be used in the event evacuation is needed.
4. Protocol to access services in all languages known to be spoken in the affected area in accordance with Government Code Section 11135.
5. Protocol to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift incident and up to a week after the exposure.
6. Protocol to notify medical providers regarding eligibility for reimbursement pursuant to Government Code Section 12997.5.

As the oversight agency for Area Plan requirements, OES has developed proposed regulatory changes to incorporate the protocols, based on input from both the working group and public interest groups.

Click to view proposed regulatory language: [SB 391 Protocols](#)

## **NEXT STEPS**

1. Informal comment period: If you would like to submit informal comments to OES regarding the proposed regulatory language, please e-mail Mr. Jack Harrah at [jack\\_harrah@oes.ca.gov](mailto:jack_harrah@oes.ca.gov) or mail your comments to:

Governor's Office of Emergency Services  
Hazardous Materials Unit  
Attention: Jack Harrah  
3650 Schriever Ave.  
Mather, CA 95655

2. Formal Regulatory Process: OES will submit regulatory package to the Office of Administrative Law. This process requires providing notice to interested parties and formal opportunities to comment on the proposed regulations. Once these regulatory amendments are approved, local governments must incorporate the protocols in the next scheduled update of their Area Plans.

## **LEGAL AUTHORITIES**

For a copy of SB 391 click [HERE](#)

For current Area Plan statutory requirements click [HERE](#) (Health and Safety Code, Section 25501)

For current Area Plan regulations click [HERE](#) (Title 19, Division 2, Chapter 4, Article 3)

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## **Department of Pesticide Regulation**

- [Reimbursing Medical Costs of Persons Injured in Pesticide Incidents - January 2005 \(.pdf format\)](#)
- [Reembolso de Gastos Medicos a Personas Lesionadas en Incidentes de Pesticidas - Enero 2005 \(.pdf format\)](#)
- [Protecting People - An excerpt from the DPR 2004/2005 Progress Report \(.pdf format\)](#)